

**HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7084 OF 2007.

Tejal Pralhad Bhor & Others.

..Petitioners.

V E R S U S

1) Lokmanya Medical Foundation's
College of Nursing Education,
Chinchwad, Pune -411 033.

2) Prof.Maruti D. Patil,
Director - Academics of
Lokmanya Medical Foundation's
College of Nursing.

3) Maharashtra Nurshing Council.

4) State of Maharashtra.

..Respondents.

Mr. Deepak S. Jadhav for the petitioner.

Mr. Anant Upadhyay i/b Shaunak Satpute & Co., for the
respondent nos. 1 & 2.

Ms. Suvarna Telgote for respondent no.3.

Mr. R. D. Rane, G.P. for the State.

**CORAM: S. B. MHASE &
D.G.KARNIK, JJ.**

DATE: SEPTEMBER 26, 2007.

Oral Judgment.(Per D.G.Karnik,J.)

1. Rule returnable forthwith. Counsel for the respective respondents waive service. By consent called for hearing.

2. By this petition the petitioner seeks an order or direction to respondent nos. 2 & 3 to issue "No-Objection Certificate" to the petitioners

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for taking admission to any other nursing school.

3. Respondent no.1 runs a nursing school and the petitioners had taken admission in the said school in the previous year. Previously the respondent no.1 nursing school was recognised by respondent no.3. It appears that the recognition of respondent no.1 was withdrawn by the respondent no.3 from the year 2006-2007. Respondent no.1 has challenged the said decision of the respondent no.3 in this Court by filing a separate writ petition. In the said petition, this Court has granted permission to the students of the respondent no.1 to appear for the examination but the results of the examination are withheld. Fearing that they may not get Diploma which is valid and recognised, the petitioners want to withdraw admission from the respondent no.1 to join another nursing school irrespective of their results. The petitioners therefore approached the respondent no.1 for withdrawal of their admission and sought No-Objection Certificate for taking admission in any other nursing school recognised by the respondent no.3. It is the grievance of the petitioners that the respondent no.1 is not giving the No-Objection Certificate nor returning the documents to the petitioners.

4. Learned counsel for the respondent no.1

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submits that their petition for approval is pending in this Court, and it is likely to get the approval. That may be so, but if the petitioners do not want to take education under the respondent no.1 they cannot be compelled and forced to continue their education under the respondent no.1, especially when they are coming to this court with a prayer that No-Objection Certificate be issued and documents be returned to them irrespective of their results which have been withheld. If the petitioners with their eyes open seek to withdraw from the course of the respondent no.1 and seek permission to take admission in any other nursing school irrespective of their results, they cannot be prevented from taking education in any other school.

5. We direct respondent no.1 to return all the documents to the respective petitioners along with "No-Objection Certificates" for taking admission in any other Institute or nursing school of their choice. The order shall be complied with within two weeks from today.

6. Rule is made absolute to the extent indicated above.

(D.G.KARNIK, J.)

(S.B.MHASE, J.)